

In the Matter of	)	
	)	
Rules and Regulations Implementing the Telephone	)	CG Docket No. 02-278
Consumer Protection Act of 1991	)	
	)	
Junk Fax Prevention Act of 2005	)	CG Docket No. 05-338

**Comments on the Petition for Declaratory Ruling filed by Joseph T. Ryerson & Son**

My company has used fax software called “e-fax” from J2 Global, Inc. for many years. When I signed up with e-fax, I was assigned a fax number for my personal use. I am the “recipient” of all faxes sent to my e-fax number – including all junk faxes. The TCPA has always applied to faxes sent to servers and other computers. There is no reason for the Commission to change this long-standing interpretation.

My understanding is that e-fax processes the fax – on my behalf – and subsequently sends it to me as an e-mail. The e-mail is not a fax transmission. Rather, the fax sent to my e-fax number is the fax transmission. Anything that happens after the fax transmission is a separate act, and not part of the fax transmission. In my case, the separate act is the e-mail from e-fax. The e-mail does not affect the original fax transmission to my e-fax number. The TCPA applies to the fax transmission to my e-fax number, not the separate act of the e-mail from e-fax.

Throughout the years, junk faxes have been a major problem when viewing my faxes in my e-mail account. This is due to the large volume of junk faxes I receive on a daily basis. I have been harmed by every junk fax that I have received even though I may choose not to print every junk fax. For example, I view many of my faxes on my smartphone. Every junk fax I receive increases my data plan usage.

The TCPA has always applied to faxes sent to servers and other computers, regardless of whether the sending machine is a stand-alone fax machine, or a computer, or something else. There is no reason for the Commission to change this long-standing interpretation. As the

recipient of the junk fax, it makes no difference to me what the sending device was. The fax is still sent to my fax number, and it is still junk. I already receive too many junk faxes. I do not want any rules to increase the amount of junk faxes I already receive.



Steve Noerini